

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN WHITEWAY,

Case No. C-05-2320 SBA (JCS)

Plaintiff(s),

v.

FEDEX KINKO'S OFFICE AND PRINT
SERVICES, INC.,

Defendant(s).

**ORDER DENYING STIPULATED
REQUEST TO CONTINUE THE DATE
FOR HEARING ON PLAINTIFF'S
MOTION TO COMPEL FURTHER
RESPONSES AND DATES FOR
BRIEFING SCHEDULE [Docket No. 159];
ORDER TO MEET AND CONFER; AND
ORDER RE FUTURE DISCOVERY
DISPUTES**

The Court is in receipt of the Stipulation by All Parties Continuing the Date for Hearing on Plaintiff's Motion to Compel Further Discovery Responses and Dates for Briefing Schedule" (the "Request") [Docket No. 159]. The Request is DENIED.

In lieu of any further briefings on the pending Motion to Compel, the Court hereby ORDERS as follows:

1. **No later than June 8, 2007**, lead trial counsel for Plaintiff and lead trial counsel for Defendant shall meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the matter.

2. Within five (5) business days of the lead trial counsels' meet-and-confer session, the parties shall provide a detailed Joint Letter to the Court. This Joint Letter shall include a description of every issue in dispute and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue.

3. Upon receipt of the Joint Letter, the Court will decide what further proceedings, if any, are necessary.

1 In the event any additional discovery dispute arises, IT IS HEREBY ORDERED that before
2 filing any discovery motion before this Court, the parties must comply with the following:

3 1. Lead trial counsel for both parties must meet and confer *in person* regarding the
4 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute, such as
5 telephone, e-mail, teleconference, or correspondence, have been unsuccessful. Once those efforts
6 have proved unsuccessful, any party may demand a meeting of lead trial counsel to resolve a
7 discovery matter. Such a meeting shall occur within ten (10) business days of the demand. The
8 locations of the meetings shall alternate. The first meeting shall be at a location selected by counsel
9 for Plaintiff(s). If there are any future disputes, the next such meeting shall be held at a location to
10 be determined by counsel for Defendant(s), etc.

11 2. Within five (5) business days of the in-person meeting between lead trial counsel
12 referred to above, the parties shall jointly file a detailed letter with the Court, which will include the
13 matters that remain in dispute, a detailed substantive description of each side's position on each such
14 issue, and a description of each side's proposed compromise on each such issue.

15 3. After the Court has received the joint letter, the Court will determine what future
16 proceedings, if any, are necessary.

17 In the event that the parties continue to be unable to resolve the matters regarding the timing
18 and scope of discovery, the Court will consider what future actions are necessary. These actions
19 may include sanctions against a party failing to cooperate in the discovery process and meet and
20 confer in good faith, as required by this Order, the Federal Rules of Civil Procedure, and the Local
21 Rules of this Court.

22 IT IS SO ORDERED.

23
24 Dated: May 11, 2007



Joseph C. Spero
United States Magistrate Judge